IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9156 OF 2005

Smt.Gunjabai Mahadeo Koli & Ors.... .... Petitioners
V/s
The State of Maharashtra ... . Respondent.

Mr.S.S.Punde, Adv. for the petitioners.

Mr.P.P.Kakade, AGP for respondent.

CORAM: V.G. PALSHIKAR,

Ag.C.J.

AND

SMT.NISHITA MHATRE,

J.

7.02.2006.

PC:

Rule.

Shri Kakade, learned Additional Government Pleader for the State takes notice.

By consent of parties Rule made returnable forthwith and parties are heard.

The provisions of section 28A of the Land Acquisition Act, 1894 are clear, unambiguous and mandatory. No explanation can exist or is possible for not taking action under that provision for the last several years. In this case award under section 11 of the Land Acquisition Act was passed on 3.9.1985. Being dissatisfied by the amount awarded one of the persons whose lands were acquired preferred Reference under section 18 of the Land Acquisition Act to appropriate Civil Court. That Reference was decided on

31.7.1993 and the compensation was enhanced. Application was therefore filed under section 28A of the Act for revalidation of compensation in respect of land of the petitioner which was acquired. It appears that the proceedings are complete and the Land Acquisition Officer of the Respondent-State has not made the award as contemplated by section 28A(2) though the proceedings were closed on 26.10.2004.

2. It is obvious that such action amounts to failure to perform statutory duty and hence a writ directing State to get statutory duty performed from the Appropriate Authority is liable to be issued. In the result therefore the petition succeeds and is allowed. The State is directed to see that the concerned Land Acquisition Officer decides the proceedings as contemplated by section 28A(2) as expeditiously as possible preferably within two months from the date of receipt of this order. Order accordingly. Petition stands disposed of.